

Colorado Revised Statutes 2019

TITLE 18

CRIMINAL CODE

18-9-313. Personal information on the internet - law enforcement official - victims of domestic violence, sexual assault, and stalking - caseworkers - definitions. (1) As used in this section:

(a) "Caseworker" means a state or county employee, including a county attorney, who is engaged in investigating or taking legal action regarding allegations of child abuse or neglect pursuant to article 3 of title 19.

(b) "Immediate family" means a law enforcement official's or caseworker's spouse, child, or parent or any other blood relative who lives in the same residence as the law enforcement official or caseworker.

(c) "Law enforcement official" means a peace officer as described in section 16-2.5-101, a judge as defined by section 18-8-615 (3), or a prosecutor, as defined in section 18-8-616 (3).

(d) "Participant in the address confidentiality program" means an individual accepted into the address confidentiality program in accordance with part 21 of article 30 of title 24.

(e) "Personal information" means the home address, home telephone number, personal mobile telephone number, pager number, personal e-mail address, or a personal photograph of a law enforcement official, participant in the address confidentiality program, or caseworker; directions to the home of a law enforcement official, participant in the address confidentiality program, or caseworker; or photographs of the home or vehicle of a law enforcement official, participant in the address confidentiality program, or caseworker.

(2) It is unlawful for a person to knowingly make available on the internet personal information about a law enforcement official or the official's immediate family member, if the dissemination of the personal information poses an imminent and serious threat to the law enforcement official's safety or the safety of the law enforcement official's immediate family and the person making the information available on the internet knows or reasonably should know of the imminent and serious threat.

(2.5) An address confidentiality program participant may submit a written request to a state or local government official and follow the process in section 24-30-2108, C.R.S., including the presentation of a valid address confidentiality program authorization card. If a state or local government official has received the above information, then the state or local government official shall not knowingly make available on the internet personal information about such participant in the address confidentiality program or the actual address, as defined in section 24-30-2103 (1), C.R.S., of such participant in the address confidentiality program.

(2.7) It is unlawful for a person to knowingly make available on the internet personal information about a caseworker or the caseworker's immediate family if the dissemination of personal information poses an imminent and serious threat to the caseworker's safety or the safety of the caseworker's immediate family and the person making the information available on the internet knows or reasonably should know of the imminent and serious threat.

(2.8) (a) A caseworker may submit a written request pursuant to subsection (2.8)(b) of this section to a state or local government official to remove personal information from records that are available on the internet. If a state or local government official receives such written request, then the state or local government official shall not knowingly make available on the internet personal information about the caseworker or the caseworker's immediate family.

(b) A caseworker's written request to a state or local government official to remove records that the official makes available on the internet must include:

(I) Evidence that the person submitting the request is a caseworker, as defined in subsection (1) of this section; and

(II) An affirmation stating under penalty of perjury that the person has reason to believe that the dissemination of the personal information contained in the records that the official makes available on the internet poses an imminent and serious threat to the caseworker's safety or the safety of the caseworker's immediate family.

(3) A violation of subsections (2) and (2.7) of this section is a class 1 misdemeanor.

Source: **L. 2002:** Entire section added, p. 1139, § 1, effective July 1. **L. 2003:** (2) amended, p. 1616, § 14, effective August 6. **L. 2009:** (1) and (2) amended, (HB 09-1316), ch. 313, p. 1696, § 1, effective May 21. **L. 2015:** (1)(a.9) and (2.5) added and (1)(b) amended, (HB 15-1174), ch. 42, p. 103, § 1, effective March 20; (1)(a.5) amended, (HB 15-1229), ch. 239, p. 885, § 2, effective May 29. **L. 2019:** (1) and (3) amended and (2.7) and (2.8) added, (HB 19-1197), ch. 95, p. 349, § 1, effective April 11.